

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GOVERNMENT EMPLOYEES
INSURANCE COMPANY, GEICO
INDEMNITY COMPANY, GEICO
GENERAL INSURANCE COMPANY,
and GEICO CASUALTY COMPANY,

Plaintiffs,

– against –

SURPLUS SG, INC., SARIT GOSHINSKY
A/K/A SARIT GOSHINSKY, and JOHN
DOES 1-10,

Defendants.

ORDER

24-cv-01903 (NCM) (LKE)

NATASHA C. MERLE, United States District Judge:

This Court has received the Report and Recommendation (“R&R”) on the instant case dated October 9, 2024, from the Honorable Lara K. Eshkenazi, United States Magistrate Judge. *See* R&R, ECF No. 16. No objections have been filed.

The Court reviews “*de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also Park v. Kim*, No. 20-cv-02636, 2022 WL 3643966, at *2 (E.D.N.Y. Aug. 24, 2022), *aff’d*, 91 F.4th 610 (2d Cir. 2024). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-cv-00371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Est. of Ellington ex rel. Ellington v. Harbrew Imps. Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)).

Having reviewed the record, the Court finds no clear error. Accordingly, Judge Eshkenazi's R&R is fully adopted as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Plaintiffs' Motion for Default Judgment, ECF No. 14, is **GRANTED** as to plaintiffs' common law fraud and declaratory judgment claims; and **DENIED** as to plaintiffs' unjust enrichment claims. Specifically, judgment is to be entered against Surplus SG, Inc. ("Surplus") and Sarit Goshinsky ("Goshinsky") (together, the "Defaulting Defendants"), jointly and severally, in the amount of \$126,883.40 in compensatory damages; with prejudgment interest of nine percent per year, beginning on the first day of the first quarter of GEICO's payments to Surplus through the date of the entry of judgment, *see* R&R at 14. Additionally, declaratory judgment is to be entered that plaintiffs are not obligated to pay any of the outstanding claims submitted by the Defaulting Defendants.

Plaintiffs are directed to dismiss their remaining claims, or otherwise inform the Court how they plan to proceed, against "John Doe Defendants 1 – 10" within seven (7) days of this order.

SO ORDERED.

/s/ Natasha C. Merle
NATASHA C. MERLE
United States District Judge

Dated: December 5, 2024
Brooklyn, New York